

REMARKS

At the outset the applicant wishes to express his appreciation to the Examiner for the courteous and helpful telephone interview accorded applicant's attorney on June 26, 2008. The proposed independent claim discussed with the Examiner was characterized by the Examiner as not defining over the prior art of record and the suggestion was made that more structure added to the claim for the bicycle saddle was required.

By the present amendment the applicant has amended the claims by cancelling claims 2, 4 to 6, and 8 and adding a new independent claim 9 which contains the elements of the cancelled claims. Claims 3 and 7 have been amended to depend from new claim 9.

First of all, the applicant wishes to point out to the Examiner that applicant's corresponding European Patent Application Number 04 706 665.9 was allowed and the European Patent granted on June 11, 2008. The independent claim of the granted European Patent specifically considered U.S. Patent No. 6,450,572, to Kiupers cited herein and includes far less detail and structure than new claim 9 herein.

In the Office Action the Examiner rejected claims 2 and 4 to 8 as being obvious under 35 U.S.C. 103(a) over U.S. Patent No. 5,011,222, to Yates et al in view of U.S. Patent No. 6,450,572, to Kiupers. The Examiner maintains that the Yates et al reference "reveals all claimed elements with the exception of a channel separating the middle parts and front parts and having a wider rear part and a longitudinal trough joining the two rear parts." The Examiner further maintains that Kiupers discloses a trough (8) separating the two rear parts of the saddle which leads to a channel (6) separating the middle parts and front parts of the saddle.

First, the applicant wishes to take exception with the Examiner's characterization that Yates et al discloses "two front parts (4)" which gradually constrict etc. and equating these to applicant's "two front parts (6)." Yates et al clearly describes the parts of their bicycle saddle at Column 10, lines 47 to 50 as "an elongated horn 2 having a pommel 3 at one end and a pair of concave thigh surfaces 4 forming the transition of the horn 2 to the bilaterally flared rear cantle 5." It is clear from this description and the Yates et al drawing that the front part of the saddle is the horn 2 which can be taken to correspond to the front parts 6 of applicant's

saddle. As clearly shown and described in Yates et al, the horn 2 thereof is a single element and can in no way be described as consisting of two parts as is clearly the case in the instant application. In new claim 9 herein, it is clearly provided that there are two front parts 6 each of which supports the respective ischium and pubis bones of the pelvis and 50% of the weight of the rider. Furthermore, taken in conjunction with the channel 8 which separates the middle parts 5 and front parts 6, no pressure or squashing is experienced by the rider's pelvic viscera by the saddle of the present invention. This is clearly not the case in Yates et al where the structure of horn 2 must of necessity result in squashing and pressure on the rider's pelvic viscera. The only attention to relieving pressure on the rider is the perineal/genital groove 16 arranged in concave thigh surfaces 4 and in the aft 1/3 to 1/2 of horn 2. This groove 16 is to provide "pressure relief" to the perineum and/or genitalia of the rider. It must be noted that this is merely "pressure relief" and not "pressure elimination" which cannot be accomplished with the horn 2 structure of Yates et al.

It should also be noted with respect to the Yates et al saddle that a "raised pelvic ridge 27" is provided as clearly

seen in Figs. 2, 3, and 8 which transists into the top of the horn 2. (Patent, Column 12, lines 40-45 and Column 13, lines 55-57). This element, clearly shown and described as a ridge, teaches away from the purpose and intent of the present invention which is to alleviate the squashing and pressure on the rider's pelvic viscera and genitalia by the provision of applicant's channel 8 and the steeply downwardly curving hook shape of the front of front parts 6.

With respect to the cited Kiupers reference, the Examiner maintains that it discloses a channel 8 separating the two rear parts of the saddle and which leads to a channel 6 separating the middle parts and front parts of the saddle. Again, the applicant disagrees with the Examiner's characterization that the channel 6 of Kiupers separates the middle parts and front parts of the saddle. Kiupers specifically states at Column 2, lines 25-31 that the hole 6 is located at approximately the midpoint of the saddle and is intended to reduce the pressure that would otherwise be applied to the rider's perineal nerve bundle. There is no hint or suggestion anywhere within the Kiupers reference that the hole 6 should be or could be extended throughout the extent of the front part of the bicycle saddle. The specific purpose enunciated in Kiupers, i.e. to relieve pressure on the perineal nerve bundle and provide ventilation (Column 2, lines 28-31 and lines 35-36), for the

hole 6 is adequately satisfied thereby. There is no thought or consideration given in the Kiupers reference to relieving pressure on the rider's pelvic viscera which is accomplished by the channel 8 of the present invention which must of necessity extend through the length of the middle parts 5 and front parts 6 of applicant's bicycle saddle.

Thus, the Examiner's proposed combination of the Kiupers teaching with the Yates et al disclosure would result in the Yates et al bicycle saddle having Kiupers trough 8 extending from the rear to the front of the saddle (Patent, Column 2, lines 26-28) with Kiupers hole 6 at approximately the midpoint of the saddle. The middle and front parts of the resulting proposed bicycle saddle are not separated longitudinally in this structure. The purpose of Kiupers channel 8 is solely to improve ventilation in cooperation with the hole 6 (Patent, Column 2, lines 36-39). Kiupers channel 8 in no way "separates" the Kiupers bicycle saddle into two side by side segments. As in the case of applicant's trough 9, Kiupers channel 8 "connects" the two side by side segments. Again, there is absolutely no hint or suggestion in Kiupers that any of the proposed structure thereof is intended to relieve pressure on the rider's pelvic viscera and none of the proposed structure has the ability to do so as is the case in the present invention. Furthermore, neither the Yates et al nor

the Kiupers reference acknowledges the existence of a problem related to the squashing of the rider's pelvic viscera.

The Examiner also rejected claim 3 as being obvious under 35 U.S.C. 103(a) over the Yates et al reference in view of Kiupers and further in view of U.S. Patent No. 5,356,205, to Calvert et al. Inasmuch as applicant has distinguished the present invention over the Yates et al and Kiupers combination, it is not believed necessary to further discuss claim 3 which must either succeed or fail together with claim 9.

In view of the above, it is respectfully submitted that claims 3, 7, and 9 are patentable over the cited references and should be allowed. Such action is respectfully solicited.

Respectfully submitted,
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